

The association understands the principle of equal access being the driving force behind the law. However, we are concerned about issues of safety, undue burden of cost and lowered property values as a result of compromised appearance.

The photos on the attached three (3) pages show the basic configuration and construction of the townhouse and flat buildings in our community. As mentioned previously not all buildings have access to the southern sky. The question becomes, where shall the satellite antenna be installed for each respective home?

For more than half the homes it appears the only logical place is the peak of the roof. This presents a multitude of problems. The law allows up to a three (3) meter diameter satellite dish. Please examine PHOTO 3 which are northwest facing flats. If all nine (9) homes wanted to install three (3) meter satellite dishes on the roof, where do you propose we put them? Where can the cables connecting the dish and the receiver be safely routed? What is the impact of children/teenagers standing on wet ground and pulling on the cable until it separates and exposes the voltage within?

Our insurance underwriter has examined our roofs and determined that fire retardant plywood was used in their construction. Fire retardant plywood has the reputation for rotting abnormally quickly. We are in the process of choosing an engineer to inspect all the roofs in our community. However, you can understand it is undesirable to place any additional load on our roofs.

In the case of a private homeowner all financial risk associated with the installation of a satellite dish is borne by them. In our case all exterior surfaces are the responsibility of the association which collects and uses condominium fees for maintenance and repair of common elements. Is it fair for homeowners who choose not to install a satellite dish to subsidize the increased risk for damage and accelerated wear and tear to common elements caused by those homeowners who do install a dish?

For the flat buildings this would mean nine (9) or eighteen (18) dishes on the roof and eighteen (18) holes, one for each unit to allow the power and signal cable to enter each home. The potential for water leaks is great. Also we have spent tens of thousands of dollars in termite treatment for virtually all the buildings in our community. A few years ago we were overrun by termite infestations. Another hole through the brick walls will only allow more routes for pest infestation. Perhaps some dishes could be mounted on the wooden patios. There would be faster aging of the wood where bolt holes are drilled through to mount the dish. Also the weight of the dish especially during ice storms could cause damage to the wood. Our community has spent in excess of one hundred thousand dollars (>\$100,000.) to replace all the wooden decks, supports and steps on the flat buildings.

For the townhouse buildings some residents would mount the dish on the brick wall or siding. We are spending more than twenty five thousand dollars (>\$25,000) per building to install new vinyl siding (see PHOTO 7). In the past some residents have made

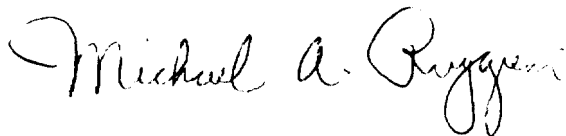
unauthorized attachments to the siding on buildings. These unauthorized attachments damaged the siding and allowed rain to enter between the walls and cause significant damage to homes other than the one that made the attachment. It would be financially irresponsible on our part to allow attachments to the sided areas. It would also be irresponsible on our part to allow dishes to be mounted on roofs that are not designed nor stressed to accommodate the additional weight and shearing force caused by ice buildup and/or strong winds on a satellite dish up to three (3) meters in diameter.

There is a real danger that allowing the installation of satellite dishes up to three (3) meters in diameter could cause the collapse of roofs in our community. This would place an undue financial burden on all the owners in the community, even though a home owner might not be a satellite dish owner. This would be a patently unfair abrogation by the federal government of private homeowners' control of their financial risk.

Also you might know, condominiums were instituted to provide a reasonable way to insure continued quality of life and maintenance of homeowner property values in a way that benefits all homeowners in a community equally. One of the ways this is accomplished is by holding homeowners to an architectural standard. This prevents someone from using dayglo purple and green paint, parking junk cars on their lawn and parking a 30 foot cabin cruiser in front of someone else's home. It was to maintain aesthetic sanity within a community. All our utilities; electric, gas, phone and cable TV are underground. The electric utility's step down transformers are at grade level and use underground connections (see PHOTO 11 and 12). This ensures safety and the preservation of aesthetics. To nullify the ability of a condominium association to protect its homeowners' health and safety and property value is very poor policy and intrusive.

In summary, I ask the Commissioners to allow just and proper exemptions and deviations as appropriate for private homeowner associations in their promulgation of the law as it relates to equal access for satellite dishes as outlined in IB Docket No. 95-59.

Very truly yours,

A handwritten signature in cursive script that reads "Michael A. Ruggieri". The signature is written in dark ink and is positioned above the typed name and address.

Michael A. Ruggieri  
6316 Hilltop Drive  
Brookhaven, PA 19015-1318  
Phone: (610) 876-6001

Attachments: three (3) pages depicting twelve (12) photographs



PHOTO 1 Example of townhouse configuration (southwest exposure)



PHOTO 2 Example of flat configuration (eastern exposure)



PHOTO 3 Flat building, limited roof space (northwest exposure)



PHOTO 4 Flat buildings, close proximity, wooden balconies, limited space (left-western exposure, right-eastern exposure)



PHOTO 5. Townhouse building, brick and siding construction (southeastern exposure)

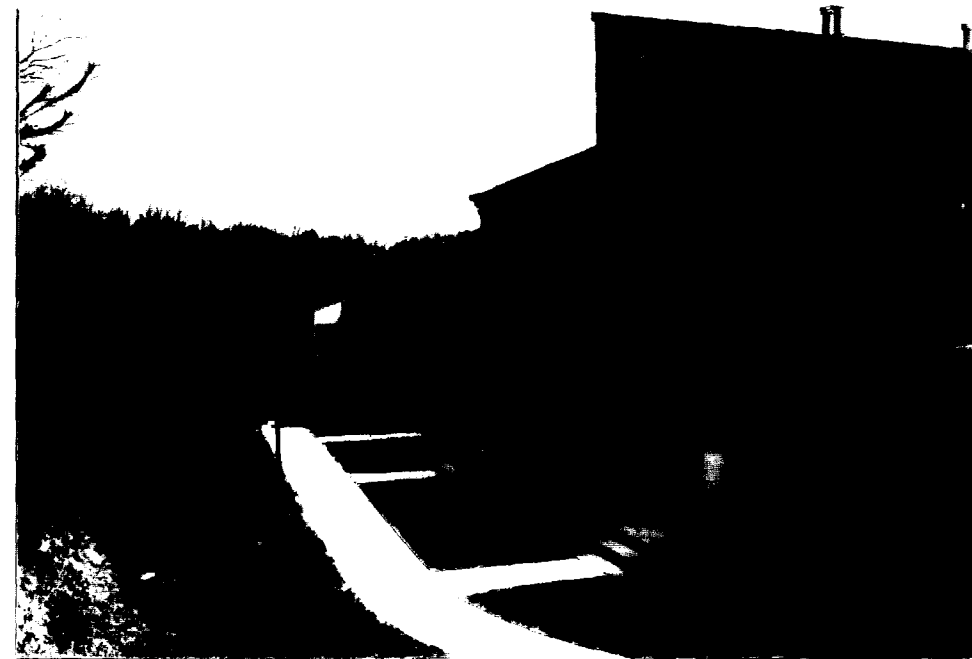


PHOTO 6. Townhouse building, rear, cantilevered roofline (northwestern exposure)



PHOTO 7. Townhouse building, new roofing and siding installation (southeastern exposure)

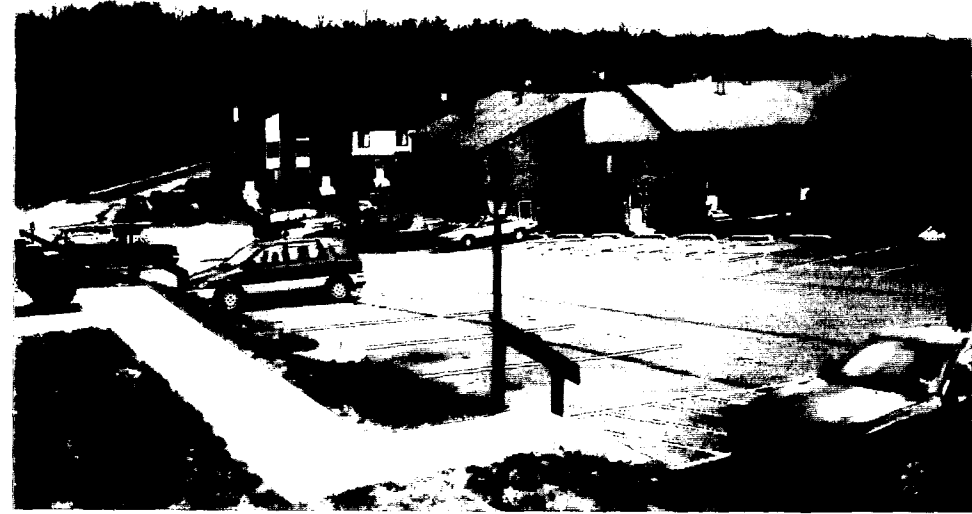


PHOTO 8. Townhouse buildings, cantilevered roofline, close proximity to each other (northeastern-southwestern exposures)



PHOTO 9. Typical townhouse, twenty (2) feet wide, limited front yard, new roof and siding (southeastern exposure)



PHOTO 11 All utilities: gas, electric, cable TV are underground



PHOTO 10 Flat and townhouse comparison (southeastern exposure)

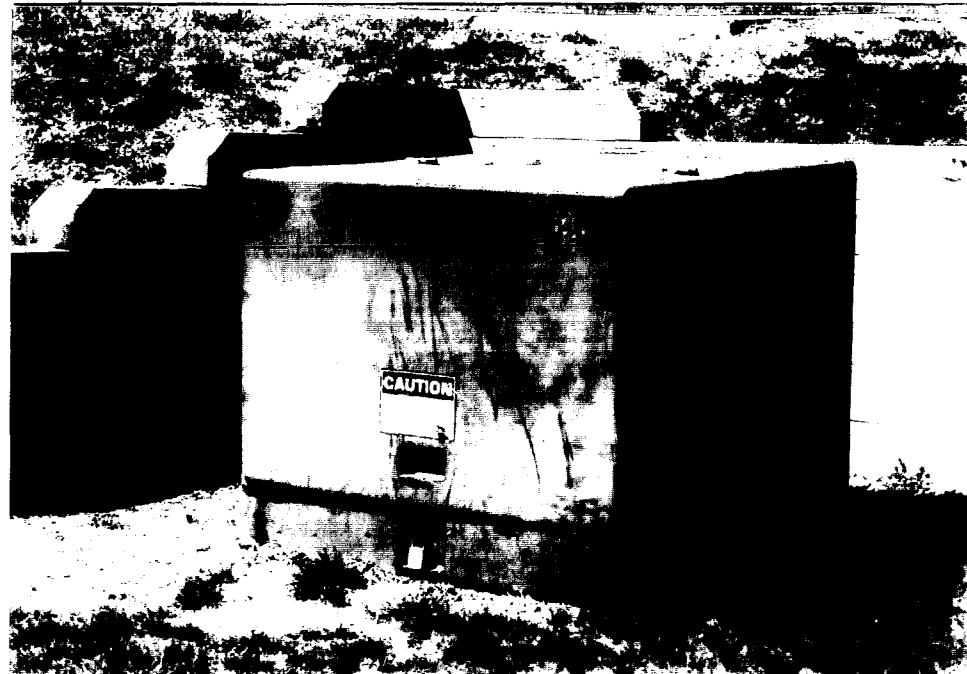


PHOTO 12 Electric utility stepdown transformer. At grade level, all connections underground

THE  
*Riverside*  
CONDOMINIUM

April 1, 1996

Federal Communications Commission  
Washington, D.C. 20554:

RE: Comments on Proposed  
Rule--IB Docket 95-39, FCC 96-78

While there is much to be said for the goal of making new and evolving video technology as widely available as possible, we cannot agree with the contention that covenants of home owners associations and other nongovernmental groups are based entirely, or even largely, on aesthetics, as the proposed rule discussion states.

Where multi-family complexes are concerned -- both low-rise and high-rise, but especially the latter -- maintaining structural integrity and minimizing liability outweigh aesthetics, although aesthetics do play a role. Moreover, the ownership and, thus jurisdictional, considerations of multi-family condominiums and cooperatives are significantly different from those of free-standing homes or even townhouse developments. The basic structure of condominiums and cooperatives is jointly owned by all members, with voting participation based on percentage of ownership.

In a condominium such as Riverside, where we have spent many thousands of dollars trying to minimize water penetration from the outside, the prospect of a multitude of homeowners applying their various skills to drilling holes in order to attach an antenna to the outside of their unit and bring the cable indoors without regard to consequences of potentially faulty application of their tools is alarming. A bit of carelessness can have a major impact on many people.

Imagine, too, the potential outcome if even one of these do-it-yourselfers did not fully understand the grounding instructions, so decided to ignore them and "hope for the best"!

From a liability standpoint, consider a situation where an owner who, in trying to get the perfect position for the directionally sensitive antenna, falls from a 10th floor balcony that is commonly owned. For a free-standing home, the issue is clear. We suspect that in a multi-family complex, the common insurance would be called upon to pay even though, under the proposed rule, no action could be taken to prevent the tragedy.

Federal Communications Commission  
April 1, 1996  
Page Two

To be certain, aesthetics are a consideration: the vision of a hodgepodge of up to 120 antennae (the 160 owners on our north side will be out of range) applied to the outside of our complex -- or nearly 200 antenna that could sprout in the next block (there, some 300 would be out of range) -- is not pleasant to contemplate.

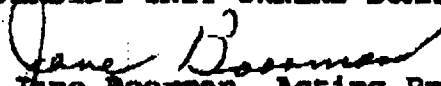
Multi-family condominiums and cooperatives must, by their very nature, be responsive to the needs and desires of their owners. We respectfully ask that consideration be given to allowing multi-family entities to respond to the video needs of their membership -- allowing, as an example, a properly installed common antenna to serve the needs of many.

At the very least, we must be permitted to require and enforce strict installation standards.

Thank you for giving these issues every possible consideration.

Sincerely,

RIVERSIDE UNIT OWNERS BOARD OF DIRECTORS

  
by Jane Boorman, Acting President

cc: Riverside Board  
Riverside Management

# Alii Ohana Property Management, Inc.

---

April 5, 1996

1540 Makaloa St., Suite 1130

Honolulu, Hawaii 96814

Tel 808 947-3371

Fax 808 949-1399

Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Gentlepersons:

This letter is regarding the proposed rules being promulgated in accordance with the Telecommunications Act of 1996. Our company provides third-party management for multi-family housing projects, i.e. condominium associations, cooperative housing corporations and homeowners associations, representing approximately 2,500 households. The proposed rules will create many problems for our clients.

Adoption of the rules as proposed is in direct conflict with most association governing documents, specifically uncontrolled use of common elements. Under the proposed rules, the Board will have no control limiting access or the number of antennas. Not restricting individuals from erecting whatever they desire, wherever they desire, will result in damage to common elements such as roofing membranes, and innumerable disputes between residents. The Board's valuable time will be consumed with developing policies and procedures and mediating conflicts, instead of being spent on the important business of running a multi-million dollar operation.

Of no less impact are aesthetic considerations. A miasma of antennas will have a negative impact on property values. For most owners, the purchase of a unit is the single largest investment they will ever make. Diminishing the value of that investment through lack of architectural controls is patently unfair.

These types of multi-family housing projects were designed to be self governing. Excessive legislation has already placed a huge burden on these volunteer organizations. I urge you to reconsider adopting the rule which will override their governing documents.

Sincerely,



Diane Reece  
Property Manager

cc: CAI (via fax 703-684-1581)

**Taber Income Tax Service**

1005 West B Street  
Dixon, CA 95620

916/578-4477 FAX 916/578-1144

April 8, 1996

Office of the Secretary  
Federal Communications Commission  
Washington D.C. 20554

Re: Proposed Rule Overriding Antenna Restrictions

Gentlemen:

As a condominium partner, it is my understanding that my ownership ends at the walls, ceiling and floor; I do not own the outside of the building at all. So I cannot see how I - or anyone else - could claim the right to put an antenna on the roof or other exterior of the building.

Some form of portable antenna that could be used inside the unit would not be objectionable unless it interfered with neighbors' reception, I suppose.

Condominium rules are essential to protect the general rights of all owners, even if individual owners find certain rules hampering to their personal lifestyles. My [Maui] project has balconies outside each unit: We prohibit drying beach things on the railings. It seems petty until you consider how the place would look with towels and suits hanging everywhere. Or dozens of antennae, for that matter.

People buy into condominium developments at least partly because they want an attractive, well-maintained residence without all the work of a single family home. The price you pay includes an obligation to follow rules designed to permit quiet enjoyment of the units for everyone. One of the principal rules usually is to keep complete control of the exteriors in the hands of the owners association. Those who find this inconvenient should not buy condominiums.

Sincerely,



Mary Louise Taber EA

***The Taxpayers Tax Experts***



DAY-LUM  
PROPERTIES

42 KAMEHAMEHA AVENUE  
HONOLULU, HI 96820  
BUS. (808) 595-0100 (HONOLULU)  
BUS. (808) 595-0100 (KALAE)  
FAX (808) 595-0100

April 4, 1996

Office of the Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

Re: Telecommunications Act of 1996 - Antennas

As Managing Agents for 16 homeowners' associations comprising 1,138 units, we are extremely concerned about the implications of the proposed regulation which may override association rules and allow owners to install satellite antennas.

Aesthetic controls are one of the most important characteristics of condominiums, coops, and community associations. It is our experience that people who buy condominiums, coops, or property in organized subdivisions, do so *because* of the restrictions and constraints of horizontal property regimes or covenants. They feel these documents will protect the appearance and value of their purchase; an uncontrolled proliferation of antennas in common areas and backyards threatens property values by destroying the aesthetics of the project.

Any ruling should expressly recognize the right of homeowners' associations to impose reasonable restrictions on the location and appearance of antennas so long as those rules do not amount to a prohibition or materially affect the ability of the antennas to receive signals.

Thank you for your consideration.

Mahalo,

COLDWELL BANKER DAY-LUM PROPERTIES

Nancy S. Cabral (R)  
President

NSC:mm

fc: Joyce Neeley, Esq., Honolulu, HI  
CAI, Alexandria, VA

**Mililani Town Association**

95-303 Kaloapau Street  
Mililani Town, Hawaii 96789  
Telephone (808) 623-7300

April 10, 1996

Office of the Secretary  
Federal Communication Commission  
Washington, D.C. 20554

Re: Proposed Federal Communications Commission Rule  
Overriding Antenna Restrictions

Gentlemen:

The Mililani Town Association has been informed of your proposed regulations to prohibit restrictions that impair a viewer's ability to receive video programming services. Our understanding that the proposed regulation would strip condominiums, coops and community associations of its powers to regulate placement and appearance of antennas less than 39 inches in diameter.

Mililani Town Association is the largest community association in the State of Hawaii with over 12,000 units of single-family homes and townhouses. The association is over 27 years old. Within M.T.A.'s governing documents there is a restrictive covenants which reads:

"... No antenna of any sort shall be installed or maintained which is visible from neighboring property except that antenna placed on the ground and not exceeding ten (10) feet in height above normal grade are allowed if not visible from the adjacent street."

This provision was specifically included in the Mililani Town Declaration of Covenants, Conditions and Restrictions (DCC&R) by the developer to prevent a proliferation of antennas throughout the community. The homeowners are aware of this restriction and like all the other restrictions within the DCC&R, consider the restrictions desirable and necessary to protect the aesthetic of their community and thus the value of their property. In 1986, Mililani Town won the prestigious recognition as being Hawaii's first and only "All America City" by the Citizen's Forum on Self Government of the National Municipal League in Washington, D.C. This success is attributable to the ability of the association to enforce its restrictive covenants and preserve the aesthetic appearance of the community.

Within the Mililani Town DCC&R are provisions which allows the members to amend or delete its governing documents. The membership has not indicated any strong desire to change any of its DCC&R restrictions.

Federal Communication Commission

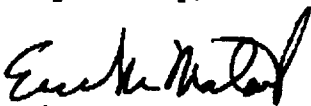
April 10, 1996

Page 2

Mililani Town is currently serviced by both cable-conduit and wireless cable companies. Antennas are permitted in Mililani Town provided they meet the conditions cited above. Exceptions have also been made by Board resolution for specific antennas which are covered or camouflaged such that they do not have the appearance as being an antenna and which blend in with the existing structure.

The Mililani Town Association opposes the proposed FCC rules which would eliminate the authority of community associations to regulate the placement and appearance of antennas on residential properties within that association's jurisdiction. Such a federal mandate usurps the powers of the associations to be self-governing. The members of an association already have the ability to change their governing documents if that is what they choose to do. The M.T.A. membership does not seek relief from the FCC to override its existing restrictions on antennas. Also, considering that technological advancements in efficient, miniaturized antennas which may eventually eliminate the need for visible antennas altogether, the need for a homeowner to erect an antenna outside of his home or condo may soon be moot. Therefore the proposed Federal Communication Commission's proposed rule changes to override community association restrictions does not serve the best interest of homeowners. The Mililani Town Association beseeches you to reconsider this matter.

Respectfully,



Eric M. Matsumoto, President  
Mililani Town Association



# ***Great Northwest***

***Community Improvement Association, Inc.***

---

8809 Timberwilde Drive • San Antonio, Texas 78250 • (210) 681-2983 • Fax 681-2986

April 5, 1996

Office of the Secretary  
Federal Communications Commission  
Washington DC 20554

Re: Proposed Regulations  
Siting of Satellite Dishes  
Telecommunications Act of 1996

Gentlemen:

It has come to our attention that you are considering adopting regulations and have issued a preliminary rule which states that "no restrictive covenant, encumbrance, homeowners' association rule, or other nongovernmental restriction shall be enforceable to the extent that it impairs a viewer's ability to receive video programming services over a satellite antenna less than one meter in diameter".

As a homeowners' association of some 5,000 single family homes, we wish to go on record in opposition to the preliminary rule and proposed regulation.

By resolution, our Board of Directors has asked that any rule adopted by the Commission reflect the right of a deed restricted community to regulate or restrict the placement of such satellite antennae. We believe a small community of neighbors is better able to establish an appropriate standard for such installations than is the federal government on some sweeping national basis. We have no quarrel with a regulation which makes it illegal to simply prohibit such dishes rather than deal with placement.

We trust our concerns will be taken into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Erickson", is written over a circular stamp or seal.

Brian J. Erickson  
Community Manager

BJE/wpw

cc. Public Affairs Department  
Community Associations Institute  
1630 Duke Street  
Alexandria VA 22314

# FAX

**Date:**

**To: Community Associations Institute    From: Roger & Molly Rice**  
**Public Affairs Dept.**  
**1630 Duke St.**  
**Alexandria Va 22314**

**Fax: 703 684 1581**  
**Phone:**

**Fax: 619 321 0981**  
**Phone: 619 321 1571**

## Molly H. Rice

**71-375 West Thunderbird Terrace**  
**Rancho Mirage, California 92270**

**Telephone : (619) 321 1571**  
**Facsimile : (619) 321 0981**

**April 12, 1996**

**Office of the Secretary**  
**Federal Communications Commission**  
**Washington, DC 20554**

**Dear Sirs:**

I am on the Board of our Condominium in Kauai, Hawaii and have just been informed of the CAI attempting to get the FCC to modify their rules that would strip condominiums of all powers to regulate the placement and appearance of antennas that are 39 " in diameter.

We strongly object for the following reasons.

1. The placement of an antenna would have to be placed on common property. According to our bylaws no owner may do this as it is not his property alone but belongs to all owners.
2. Antennas can block another persons view.
- 3.. What if all owners decided to have one.. one antenna would conflict with another.
4. Property values would definitely diminish.

5. What about liability.

It just isn't feasible in a condominium situation.

Therefore we strongly urge you to respect the rights of an owner association to decide and enforce reasonable restrictions of their own to reserve the appearance, values, and safety of their condominium.

Very truly yours,

Molly Rice  
Board Member  
Kaha Lani Condominium  
4460 Noho Road  
Lihue, Kauai Hawaii 96766

Robert T Pigors  
46-064 AliiKane Pl //2021  
Kaneohe HI 96744

Office of the Secretary  
Federal Communications Commission  
Washington DC 20554

04/04/96

Dear Sirs:

I am the President of a 100 unit Condominium Owners Association in Hawaii where we often have extremely strong winds. The single most expensive item of maintenance and repair since I have been a member of our Board of Directors has been our roofs.

I am opposed to allowing the installation of communications antennas in any area without the approval of the owners, in accordance with the bylaws that they live under.

Who for instance is liable if an antenna gets caught in a big wind and rips off a section of a buildings roof. Does a lower floor unit owner have the right to place a windcatching antenna on an upstairs neighbor's roof. Even if it doesn't rip a hole in the roof or cause leaks it can cause wind rush noise - and believe me Hawaii is a very noise sensitive area because our windows are open most of the year.

We purchased our units in this area for special reasons. Please let us decide how to operate our associations in the democratic way already established by existing law.

Signed:

Robert T. Pigors  
President PuuAlii Phase II Owners Association.

cc:  
Senator Akaka  
Senator Inouye  
Representative Abercrombie  
Representative Mink  
CAI, CMI



# MONTGOMERY VILLAGE FOUNDATION, INC.

10120 APPLE RIDGE ROAD  
P.O. BOX 2130  
MONTGOMERY VILLAGE, MARYLAND 20886-2130  
(301) 948-0110 FAX (301) 990-7071

April 11, 1996

Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Dear Sir/Madam:

Thank you for the opportunity to comment on FCC# 96-78, the proposed rule regarding nongovernmental restrictions on small-antenna video reception adding a new subparagraph (f) to Section 25.104 of Title 47 of the Code of Federal Regulations. Briefly, this proposal would render unenforceable any restrictive covenant, encumbrance, homeowners' association rule, or other nongovernmental restriction which impairs a viewer's ability to receive video programming services over a satellite antenna less than one meter in diameter.

The Montgomery Village Foundation is among the largest homeowners associations in the State of Maryland, with over 34,000 residents. Developed on the planned community model, Montgomery Village consists of 10,000 units represented on the neighborhood level by 20 sub-associations.

In submitting our comments, we note that recently the FCC has adopted a rule allowing local governments to regulate on the basis of health and safety matters. We ask the FCC to modify the proposed rule in a manner which recognizes the legitimate interests of community associations in regulating health and safety matters, as well as maintaining property values through proper and reasonable emphasis on community aesthetics.

Specifically, we request that the FCC recognize the legitimate interest of community associations in health and safety concerns and accord community associations the same status as local government by deleting the proposed paragraph (f) and adding the phrase "restrictive covenant, encumbrance, homeowners' association rule, or other nongovernmental restriction" to the appropriate paragraphs (a) through (e) under section 25.104.

In recommending the above, we make the following points:

and rules which routinely provide for the regulation or participation in such matters. Attachment 1 is an excerpt from the Articles of Incorporation of the Montgomery Village Foundation, Inc. which clearly states that, among other purposes, the corporation was formed to "promote the health, safety and welfare" of Village residents. Further, the documents empower the corporation to engage in the provision of basic "health and safety" functions: "to provide such facilities and services in connection therewith as permitted by law and including, but not limited to...garbage and trash collection, fire and police protection, maintenance of unkempt land...and other supplemental municipal services."

Paragraph (f) of the FCC's current proposal would call into question an association's ability to enact and enforce rules relating to the placement, professional installation, and routine maintenance and upkeep of antennas. Also at question would be rules relating to the removal of obsolete equipment and restoration of property.

Attachment 2 is a photograph of a roof-mounted antenna. Without proper installation and maintenance, this antenna would pose a threat to the health and safety of nearby residents if it were to break loose in heavy winds. Significant property damage to both the antenna-owners' home and adjacent homes or community property could result.

Improperly installed or maintained satellite dishes could damage the structural integrity of buildings. This is particularly a concern of condominiums and cooperatives where the exterior is not the private property of one individual, but is owned "in common".

In communities where individual units have little private property, ground-mounted antennas may pose a safety threat. Without reasonable setbacks from sidewalks or common elements there would not be a prudent safety zone for public passage. Attachment 3 shows an example of a townhouse community with limited private property.

Finally, the proposed rule makes no provision for community associations to regulate the removal of obsolete equipment and the proper restoration of the exterior for the purpose of ensuring public safety.

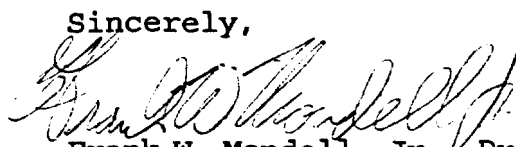
#### *Private Property Issues*

In certain townhouse configurations, as well as condominium and apartment buildings, some units will not have the southwest exposure needed for video reception (See attachment 4). Certain housing styles will, by their very nature, adversely impact a homeowner's ability to receive telecommunication signals.

and safety concerns which are unique to planned community living. We ask the FCC to clarify the private property issues involved and address the right of viewers to place equipment on property which they do not own. Finally, we ask the FCC to reconsider its stance on the use of reasonable aesthetic factors in regulating the placement of antennas.

If we can provide any clarification or additional information regarding these points, please feel free to contact Peter Kristian, Executive Vice President (extension 322) or Donna Zanetti, Director of Government Relations (extension 313) at (301) 948-0110.

Sincerely,



Frank W. Mondell, Jr. President  
Board of Directors

FWM/daz  
Enclosure

cc: Community Associations Institute  
Metropolitan-Washington Chapter CAI

Liber 121, Page 507  
Recorded Oct. 17th, 1966.

AMENDED  
ARTICLES OF INCORPORATION  
OF  
MONTGOMERY VILLAGE FOUNDATION, INC.

**FIRST:** We, the undersigned, Norman M. Glasgow, Harvey H. Holland, Jr. and Allen Jones, Jr., all of whom are residents of Montgomery County, Maryland, and all of whom are at least twenty-one (21) years of age, do, under and by virtue of the General Laws of the State of Maryland authorizing the formation of corporations, associate ourselves as incorporators with the intention of forming a non-stock, non-profit corporation.

**SECOND:** The name of the corporation is

MONTGOMERY VILLAGE FOUNDATION, INC.

**THIRD:** The purposes for which the corporation is formed are:

To promote the health, safety and welfare of the residents of the community of Montgomery Village, Maryland, and as described and defined in applicable Declaration of Covenants, Conditions and Restrictions recorded or to be recorded in the land records for Montgomery County, Maryland, and such additions thereto as may hereafter be brought within the jurisdiction of this corporation by virtue of the recording of Supplementary Declarations of Covenants, Conditions and Restrictions.

To own, acquire, build, operate and maintain parks, playgrounds, swimming pools and other recreational facilities, open spaces, commons, streets, roads and walkways, including buildings, structures and personal properties incident thereto and to provide such facilities and services in connection therewith as permitted by law and including, but not limited to, the following:

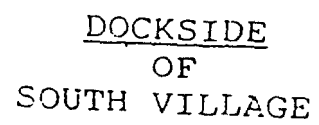
1. Exterior maintenance for properties within Montgomery Village;
2. Garbage and trash collection;
3. Fire and police protection;
4. Maintenance of unkempt lands or trees; and
5. Other supplemental municipal services.



**Satellite dishes in communities  
outside Montgomery Village.**

# ***FOREST BROOKE***





**KINGS GRANT OPEN SPACE ASSOCIATION**

50 Landings Drive • Marlton, New Jersey 08053



April 10, 1996

Office of the Secretary, FCC  
Washington, D.C. 20554

RE: IB Docket No. 95-59,  
Preemption of Local Zoning Regulations  
of Satellite Earth Stations, FCC 96-78

Dear Secretary:

I am writing this letter on behalf of our community known as Kings Grant located in Marlton, New Jersey. Kings Grant is a Planned Unit Development which has over 2500 homes, consisting of single family, townhomes and condominiums.

Recently, our Association developed a policy allowing satellite dishes to be installed with certain criteria that the homeowners must follow. Our satellite dish policy did not pertain to Condominiums or Townhomes in our community, since their individual, legal documents precluded installing these types of receivers.

Our Association wants to be able to comply with the regulations, but we ask for some reasonable accommodations prior to your passing of finalized regulations. We envision many problems associated with the regulations being proposed. Some of these problems are related to the environment. We are a community regulated by the N.J. Pinelands, (a protected wetlands area). To allow indiscriminate installation of those dishes on all properties, would mean that trees would be disturbed or removed to allow for reception. This would be a direct conflict with the Freshwater Protection Act.

The current Association regulations on satellite dishes takes into consideration the issue stated above and also the condominiums and townhome sections the right to choose their own course of action on this issue. This Covenant has been a protection to our community and one of the reasons they invested their money to live here.

We ask that our architectural restrictions and/or current policies not be preempted if a homeowner may receive



April 10, 1996

Page 2

telecommunication services without violating the architectural restrictions. An Association, after all, is a group of people who live, contribute, volunteer and work within the rules of their Association and have been guaranteed through their deeds and documents that the rules and restrictions will be upheld and enforced for the benefit of all its members.

Thank you, in advance, for your time and consideration in this matter.

Sincerely,

Sam Gogliuzza  
Executive Director

SG/ko

cc: CAI

Public Affairs Department  
1630 Duke Street  
Alexandria, VA 22314  
Attn: Lara Howley